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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,537	12/04/2003	Eiichi Matsuzaki	03560.003410	7941
5514 7590 07/03/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
SALCT, JASON P				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
07/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/726,537

**Applicant(s)**

MATSUZAKI, EIICHI

**Examiner**

Jason P. Salce

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-6, 10 and 11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 4-6 and 10-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date 1/8/2008  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 3/26/2008 have been fully considered but they are not persuasive.

Applicant has amended the independent claims, however, the amendments still read on the prior art used in the rejection of record (**see updated rejection below**).

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 1/8/2008 was filed after the mailing date of the Non-Final Office Action on 1/7/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbатов et al. (U.S. Patent No. 6,792,617) in view of Schneidewend et al. (U.S. Patent No. 6,249,320).

Referring to claim 4, Gorbatov discloses an information processing apparatus for processing program content data and program information data associated with a television broadcast program received via receiving means (**see Figure 1 and Column 2, Line 56 through Column 3, Line 5 for a set-top box/information processing apparatus receiving program content data/television programs and program information/ATVEF enhanced content from a receiving means/headend**).

Gorbatov also discloses display control means for displaying information on display means on the basis of the program information data such that when a program includes a plurality of sub-programs, sub-program information associated with sub-programs is displayed on the display means (**see Column 4, Lines 27-41 and Lines 58-61**).

Gorbatov also discloses processing means for performing a specified process on sub-program content data of a sub-program included in the program content data received by the receiving means (**see Column 4, Lines 61-65 and Column 5, Lines 6-8**).

Gorbatov also discloses timer-controlled automatic operation setting means for specifying a sub-program indicated by the sub-program information displayed on the display means and setting timer-controlled automatic operation for the specified sub-program such that the specified process is to be performed on the specified sub-program at a specified time (**see Column 5, Lines 17-26**).

Gorbatov also discloses a first mode in which the program information is displayed but the sub-program information is not displayed (**see Column 4, Lines 58-**

**62)**, and a second mode in which sub-program information is displayed (**see Column 4, Lines 63-66**), the display control means being capable of switching the displaying mode between the first mode and the second mode (**see again Column 4, Lines 63-66 for the user selecting the transition from the first mode to the second mode**).

Gorbatov is silent as to the details of the listings of events, therefore Gorbatov does not teach displaying program information together with sub-program information. Gorbatov further teaches that in the first mode, the display control means displays the program information in the form of a program table on the display means (**see Column 4, Line 54 through Column 5, Line 6**), but further fails to teach displaying, in the program table, a mark indicating that the program includes a plurality of sub-programs.

Schneidewend discloses displaying program information together with sub-program information (**see Figures 11-12**) and displaying a mark indicating that the program includes a plurality of sub-programs (**see Figure 13**).

Schneidewend also discloses that each of the plurality of sub-programs have a different start time (**see Figure 12 for sub-programs FOOTBALL and BASKETBALL having different start times on sub-channel 12-1**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG, as taught by Gorbatov, using the additional display functionality of the programs and sub-programs, as taught by Schneidewend, for the purpose of allowing a user to more quickly scroll through all the channels available for selection (**see Column 12, Lines 31-32**).

Referring to claim 6, Schneidewend further discloses that the display control means switches the mode of displaying information from the first mode to the second mode in response to manual clicking on the mark **(see Figures 12-13 and Column 11, Line 36 through Column 12, Line 34 for switching the mode of display when the underlined channels are selected).**

Referring to claim 10, see the rejection of claim 1 and further note Column 2, Line 59 through Column 3, Line 64 of Gorbatov.

Referring to claim 11, see the rejection of claim 1.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov et al. (U.S. Patent No. 6,792,617) in view of Schneidewend et al. (U.S. Patent No. 6,249,320) in further view of Saib et al. (U.S. Patent No. 6,292,624).

Referring to claim 5, Gorbatov and Schneidewend disclose all of the limitations of claim 4, but fail to teach that if a sub-program is set to be subjected to a timer-controlled automatic operation by the timer-controlled automatic operation setting means, the display control means changes the form of displaying the mark.

Said discloses that when a timer-controlled operation (record operation) is performed on a program listing, a mark is changed/inserted that represents a video tape icon **(see Figure 8 and claim 1).**

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program cell displaying the program or sub-program, as taught by Gorbатов and Schneidewend, using the record icon, as taught by Saib, for the purpose of loading or erasing programming data when viewing the electronic guide screen (see Column 3, Lines 10-12 of Saib).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/  
Primary Examiner, Art Unit 2623

Jason P Salce  
Primary Examiner  
Art Unit 2623

July 1, 2008